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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/262,839	03/05/1999	KAORI NAKAYAMA	520.36997X00	1062

7590 05/01/2003
ANTONELLI TERRY STOUT AND KRAUS
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ARLINGTON, VA 22209

EXAMINER

HYUN, SOON D

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 05/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/262,839

Applicant(s)

NAKAYAMA ET AL.

Examiner

Soon-Dong Hyun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 March 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Objections

1. Claims 1-4, 6, and 9-13 are objected to because all instances of “configured to” in each claim should be deleted to make the claims positive. Language “configured” is not considered positive recitation per MPEP 2106.

2. Claims 1, 4, 6, 9, 10 12, and 13 are objected to because of the following informalities.

Appropriate correction is required.

In claim 1, line 4, it appears that “the” before “respective” should be deleted.

In claim 1, lines 16 and 18, respectively, it appears that "port" should be “ports”.

In claim 1, line 23, it appears that “packet” should be “packets”.

In claim 1, line 24, it appears that “the” before “degree” should be -- a --.

In claims 4 and 6, both at line 2, it appears that “interface” should be “interfaces”.

In claim 9, line 13, it appears that “packet” should be “packets”.

In claim 9, line 25, it appears that “variable packets” should be “variable length packets”.

In claim 9, line 32, it appears that -- each of -- should be added before “said”.

In claim 10, line 3, it appears that “the” before “status” should be deleted.

In claim 12, line 11, it appears that “controller” should be “controllers”.

In claim 13, line 12, it appears that “the” before “one” should be deleted

In claim 13, line 20, it appears that “prohibit” should be “prohibits”.

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Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Fichou et al (U.S. Patent No. 5,790,522).

Fichou discloses a packet switch, see Fig. 4, connected to a plurality of input lines 1-N and output lines 1-N for forwarding variable length packets received from each of the input lines to one of the output lines specified by respective header information comprising:

switch fabric 24 (switch unit) having input ports 1-N and output ports 1-N
corresponding to said input lines and output lines, switches fixed length ATM cells
(output fixed length cells received from each of said input ports to one of said output

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ports specified by routing information contained in the cell header of said received cells), see Fig. 4, also Fig. 3 and col. 3, lines 34-43;

a plurality of receive adapters 20 (input line interfaces), each connected to one of said input ports, segmenting variable length packets into fixed length ATM cells before those cells are processed by switch fabric 24, see col. 3, lines 34-43, Fig. 4, and also Fig. 2;

a plurality of transmit adapters 22 (output line interfaces), each connected to one of said output ports, reassembling cells produced by segmentation into original variable length packets, see col. 3, lines 34-43, and send the packets to one of said output lines, see Fig. 4, and also Fig. 2;

each of receive adapters 20 having a manager module 43 (cell output controller) to store the cells converted from the variable length packets in queues (42) formed for each output line according to a degree of priority (RT, NRT, NR) of the respective cells and selectively forward the stored cells to the input ports according to the degree of priority of the respective cells, see col. 8, lines 2-24 and Fig. 4.

Allowable Subject Matter

5. Claims 2-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and the objection of claims 1, 4, and 6 is corrected.

Claims 9-13 are allowable if the objection is corrected.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon-Dong Hyun whose telephone number is (703) 305-4550. The examiner can normally be reached on Monday-Friday from 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen, can be reached on (703) 308-5340.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

7. Any response to this action should be mailed to:

Commissioner for Patents

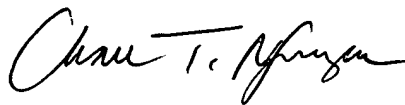
Washington, D.C. 20231

Or faxed to: 703-872-9314 for formal communications intended for entry with a label of

"OFFICIAL" and for informal or draft communications with a label of "PROPOSED" or "DRAFT" (attn: Art Unit 2663, Soon-Dong Hyun).

 S. Hyun

04/23/2003



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
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